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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,360	07/14/2003	Yechezkal Evan Spero		1359

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YECHEZKAL EVAN SPERO  
74 MOSHAV TIFRACH  
M. P. HANEDEV, 85102  
ISRAEL

EXAMINER

TRUONG, BAO Q

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/604,360

Applicant(s)

SPERO, YECHEZKAL EVAN

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 28-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/06/2006 has been entered.

### ***Specification***

2. The abstract of the disclosure is objected to because words "comprise/comprising" should not be used in the abstract. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claims 28, 29, 31 are 34 are objected to because of the following informalities:

Claim 28, "said light source" in line 12 is unclear.

Claim 29, is "a plurality of individual light sources" different from the "a plurality of independent light sources" of claim 28?

Claim 31, "a plurality of light sources", "said independent light sources" and "a light source" should be changed for consistency.

Claim 34, "an lighting application" should be changed to –a lighting application–.

Appropriate correction is required.

4. Claims 29-34 and 35 are objected as being in improper dependent claim number.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 28-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 31 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure, which goes to make up the device, must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 29, 30, 32 and 33 are necessary included because of their dependency.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 28-32 and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Amerson et al. [US 6,379,022].

Regarding claim 28, Amerson et al. discloses an illuminating device having a plurality of light sources [402, 404] with respective light intensity distribution mounted to a structure [rectangular frame], each light source(s) having its own light intensity distribution and direction, which effects a mixing, adding and distribution of emanating light determined according to the environment to be illuminated (figures 4-6, column 2 lines 62-67, column 3 lines 20-33 and 40-44).

Regarding claim 29, Amerson et al. discloses a plurality of light sources providing light intensity spectrum [402, 404] (figures 4 and 5, column 2 lines 62-67).

Regarding claim 30, Amerson et al. discloses a means for sensing [spectral sensitivity camera] and a means for changing light emanating characteristic of light sources (figures 1-3, column 3 lines 19-25, column 4 lines 35-53, and column 5 lines 40-45).

Regarding claim 31, Amerson et al. discloses an illuminating device having a plurality of light sources [402, 404] attached to a structure [frame], which have a spatial light intensity distribution characteristic using lighting equations, and a mixing, adding and distribution of emanating color light (abstract, figures 1-6, column 2 lines 62-67, column 3 lines 20-33 and 40-44).

Regarding claim 32, Amerson et al. discloses a power supply [battery] (column 5 lines 51-52).

Regarding claim 34, Amerson et al. discloses a method for designing an application oriented luminaire having determining application and illuminance requirement [capture an image with a digital camera], determining illumination area [object to be capture], and determining light source intensity, spatial intensity distribution, color, and directionality aimings [a plurality of color LEDs 402, 404] (figure 4, column 1 lines 11-67, column 2 lines 1-37).

Regarding claim 35, Amerson et al. discloses a step of selecting light sources [402, 404] producing intensity and color (abstract, figures 1-6, column 1 lines 11-67, column 2 lines 1-37).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amerson et al. in view of Lys et al. [US 6,340,868].

Regarding claim 33, Amerson et al. discloses a control system to adjust light intensity (column 5 line 40); but Amerson et al. does not clearly disclose the controller being selected from the closed loop controller by use of a programming method.

Lys et al. discloses the controller being selected from the closed loop controller by use of a programming method for a current control of a LED lighting assembly (abstract, figures 1-2, column 4 lines 57-65, column 5 lines 3-5, column 6, lines 53-57, column 9 lines 45-55, column 16 lines 56-63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the control system of Amerson et al. by the current controller as taught by Lys et al. to adjust light intensity and color for purpose of providing an advantageous way of more accuracy controlling current flow into LEDs.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Begemann [US 6,499,860] discloses a LED lamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone

Art Unit: 2875

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875



**ALI ALAVI**  
**PRIMARY EXAMINER**